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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,297	08/03/2005	Christopher James Lyddon	05-629	8152

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EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

MAIL DATE	DELIVERY MODE
07/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/544,297	LYDDON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Raymond W. Addie	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 May 2007.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-16, 22, 24 and 25 is/are allowed.
- 6) Claim(s) 1-12, 14, 23, 26-28 is/are rejected.
- 7) Claim(s) 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

  
RAYMOND ADDIE

PRIMARY EXAMINER

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8, 10-12, 17, 23, 26-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ousterhout et al. # 6,312,188 B1 in view of Horton et al. # 6,409,420

B1. Ousterhout et al. discloses a vehicle arresting device (110) comprising:

A net (120) adapted to be laid flat on the ground in the path of a vehicle. The net having loops that are oriented with a longer dimension in the fore and aft direction than in the transverse direction of the device. See Figs. 20-23.

What Ousterhout et al. does not disclose is the use of tire puncturing spikes mounted to the net. However, Horton et al. teaches it is known to provide vehicle capture nets (22), with tire puncturing spikes (52), disposed at least at a leading edge of said net. The spikes being advantageous for puncturing vehicle tires, thereby immobilizing the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the vehicle arresting device of Ouster et al., with tire puncturing spikes, as taught by Horton et al., in order to facilitate the immobilization of the vehicle being arrested. See Horton et al. cols. 3-4.

With respect to claims 6-8, Ousterhout et al. discloses the use of a plurality of elongate elements (150) of flexible material extending transversely of the net at spaced locations and attached to the net at its opposite side edges. See Figs. 10-11; Col. 7, Ins. 24-39. wherein the one or more elongate elements (150) is threaded through loops of the net but more positively attached to the net at said side edges, via the use of separable hook and loop or similar material (121). See col. 8, ln. 31-col. 9, ln. 35.

With respect to claim 10, 12, 23, 26-28 Ousterhout et al. discloses essentially all that is claimed, except for the use of tire spikes mounted to the net. However, Horton et al. teaches it is known to attach spike assemblies (52) to a net by penetrating respective portions of the net at respective junctions between adjacent loops of the net, such that the material of the net encircles the shaft portions of those assemblies. Although neither Ouster et al., nor Horton et al., teach that the net is formed into a plurality of separate widthwise sections at said leading edge thereof. It is well within the skill of one in the art, to make separable what was once integrally formed. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the vehicle arresting device of Ousterhout et al., with tire spikes mounted to the net, as taught by Horton et al., in order to facilitate immobilization of the vehicle.

With respect to claim 11 Although neither Ousterhout et al. nor Horton et al., explicitly recite the use of a "crushable tube" Horton et al. does teaches the use of a dome (148), that can be crushed to expose the tire spike.

Therefore, it would have been obvious to provide the vehicle arresting device of Ousterhout et al., with spike protection devices, as taught by Horton et al., since the domes disclosed will form tubes, when crushed and the spike penetrates through the top of the dome.

With respect to claims 17, 28 Ousterhout et al. discloses a method of arresting a vehicle which comprises:

Laying a net on the ground in the path of a vehicle such that when the front tires of the vehicle run over the leading portion of the device, the net can become wrapped around the front wheels of the vehicle and the portion thereof between the wheels of the vehicle is pulled tight under the vehicle thereby preventing further rotation of those wheels.

What Ousterhout et al. does not disclose is the use of tire puncturing spikes, mounted to the net. However, Horton et al. teaches it is known to provide vehicle capture nets (22), with tire puncturing spikes (52), disposed at least at a leading edge of said net. The spikes being advantageous for puncturing vehicle tires, thereby immobilizing the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the vehicle arresting device of Ouster et al., with tire puncturing spikes, as taught by Horton et al., in order to facilitate the immobilization of the vehicle being arrested. See Horton et al. cols. 3-4.

2. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ousterhout et al. # 6,312,188 B1 in view of Horton et al. # 6,409,420 B1 as applied to claim 1 above, and further in view of Marphetia. # 6,312,189 B1. Ousterhout et al. in view of Horton et al., discloses essentially all that is claimed, with respect to claim 1 above, but does not disclose the use pyramid shaped tire puncturing spikes. However, Marphetia teaches a unique tire deflating spike having a generally pyramid barb, having a plurality of flat triangular side faces, separated by a frustoconical side faces, wherein the barbs are undercut at their bases (11). The barb forming an air passage (18, 13) to maximize deflation rate of the tire thus punctured. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the vehicle arresting device of Ousterhout et al., in view of Horton et al., with pyramid shaped barbs, as taught by Marphetia, in order to facilitate deflation of the vehicle tire(s). See Marphetia Cols. 3-4.

***Allowable Subject Matter***

3. Claims 13-16, 22, 24, 25 are allowed.
  
4. Claim is 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-17, 22-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raymond Addie  
Primary Examiner  
Group 3600

7/18/07